

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL SOMERS,
Plaintiff,

v.

DIGITAL REALTY TRUST INC, et al.,
Defendants.

Case No. 14-cv-05180-EMC (KAW)

**ORDER DENYING MOTION TO
STRIKE**

Re: Dkt. No. 280

On February 27, 2018, Defendants Digital Realty Trust Inc.'s and Ellen Jacobs's lead counsel filed a notice of unavailability. (Dkt. No. 279.) The notice of unavailability was withdrawn that same day. (*Id.*) On February 28, 2018, Plaintiff Paul Somers filed a motion to strike the notice of unavailability.¹ (Dkt. No. 280.) On March 1, 2018, Defendants filed an opposition to Plaintiff's motion, stating that the notice of unavailability was inadvertently filed and had already been retracted. (Dkt. No. 281 at 1.) Because the notice of unavailability was withdrawn prior to Plaintiff's filing of his motion, Plaintiff's motion to strike is DENIED as moot.


In Plaintiff's motion, Plaintiff also appears to state that he "has fulfilled his obligations to meet and confer and will file the motion for sanctions." (Dkt. No. 280 at 2.) The Court has insufficient information to determine whether the meet and confer obligation was in fact met. The Court does, however, remind the parties of their obligation to meet and confer in good faith. Further, the Court has warned the parties that they are not to file any further discovery-related letters or requests except as related to the production ordered in the July 11, 2017 order. (Dkt. No.

¹ Although Plaintiff filed the instant motion before the presiding judge, the motion is related to a discovery dispute, and has thus been referred to the undersigned for resolution. (*See* Dkt. No. 282.)

266 at 1-2.) To the extent Plaintiff's motion for sanctions is related to a discovery dispute that could have been raised by Plaintiff in the letter that was to be filed on March 14, 2017 and/or the letter filed on April 29, 2017, but was not, those discovery disputes have been deemed waived. (Dkt. No. 245 at 2, 13, 17, 20; *see also* Dkt. Nos. 191, 212, 218, 221, 238, 266.)

IT IS SO ORDERED.

Dated: March 6, 2018


KANDIS A. WESTMORE
United States Magistrate Judge